

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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VINCENT McCRUDDEN

Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

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Civ. No. 14-3532 (RBK) (AMD)

**MEMORANDUM AND ORDER**

Plaintiff was formerly a federal prisoner and is proceeding with complaint pursuing civil rights claims and claims under the Federal Tort Claims Act. On March 31, 2016, this Court noted that plaintiff's Federal Tort Claims Act claim against the United States would proceed as to plaintiff's assault and battery allegations. Additionally, plaintiff's *Bivens* claims against defendants Zickefoose and Anderson were dismissed without prejudice. With respect to Zickefoose, this Court noted that it did not appear that she was ever properly served and that plaintiff had failed to state a claim upon which relief could be granted against her as a defendant. With respect to Anderson, while this Court noted that while plaintiff had pled facts amounting to personal involvement of him, plaintiff had failed to properly serve Anderson. This Court then gave plaintiff thirty days in which to file an amended complaint.

On April 28, 2016, plaintiff sought an additional thirty days in which to file an amended complaint. (*See* Dkt. No. 28) This Court granted that request on May 2, 2016. (*See* Dkt. No. 29) On June 1, 2016, this Court received a letter from plaintiff. (*See* Dkt. No. 30) In that letter, plaintiff states that he is no longer seeking to amend his complaint. However, he seeks an additional forty-five days in which to serve Anderson so that he can proceed with his *Bivens* claims against him that were previously dismissed without prejudice for failure to serve.

The additional forty-five days that plaintiff sought to serve Anderson on June 1, 2016 has come and gone with no indication that plaintiff effectuated service on Anderson. Accordingly, at this time, and in light of the record that is before this Court, plaintiff shall not be given more time at this juncture in which to serve Anderson.

Additionally, as indicated above, plaintiff's Federal Tort Claims Act claim arising from the assault and battery against the United States remains pending. To date, the United States has not answered the complaint against it. The United States shall file an answer to this remaining claim against it on or before September 9, 2016.

Therefore, IT IS this 30<sup>th</sup> day of August, 2016,

ORDERED that plaintiff's request for additional time in which to serve defendant Anderson is denied; and it is further

ORDERED that defendant United States shall file an answer to the remaining claim against it in the complaint on or before September 9, 2016; and it is further

ORDERED that the Court shall serve this Order on plaintiff by regular U.S. mail.

s/Robert B. Kugler  
ROBERT B. KUGLER  
United States District Judge